

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

TERESA FRANCO
Plaintiff(s)

v.

**NATIONAL ASSET RECOVERY
SERVICES, INC.,
and JOHN and/or JANE DOES 1-10**
Defendant(s)

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§ **Cause No. EP07CA0074KC**
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STIPULATION OF DISMISSAL

COMES NOW the Plaintiffs **TERESA FRANCO** , individuals, and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and hereby dismisses, with prejudice, the above entitled action as it pertains to **NATIONAL ASSET RECOVERY SERVICES, INC. and JOHN and/or JANE DOES 1-10**. Said dismissal is filed with prejudice.

Respectfully submitted,

/s/ SCOTT A. VOGELMEIER
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/s/ KEITH WIER

Keith Wier
Attorney for Defendant
State Bar No.: 21436100
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713-335-0141
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF system which will send notification of such filing to the following:

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/s/ SCOTT A. VOGELMEIER
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FINAL JUDGMENT

On this day, the Court considered Plaintiff's Stipulation of Dismissal ("Notice"). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), "an action may be dismissed by the Plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or motion for summary judgment, whichever first occurs...." FED.R.CIV.P.41(a)(1)(i) (2005). Having reviewed the record, and noting that no defendant has served an answer or motion for summary judgment, the Court hereby **APPROVES** the Notice (Doc.No.____). Because Plaintiff specifically requested dismissal with prejudice, the Court hereby orders the above-captioned cause be **DISMISSED** with prejudice. *See* FED.R.CIV.P. 41(a)(1) ("Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice...")

The clerk shall close the case.

SO ORDERED.

SIGNED on this ____ day of _____, 200__.

KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE